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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,297	02/05/2004	Wolfgang Bredow	BREDOW8	3229
1444	7590	03/07/2006	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C.			YACOB, SISAY	
624 NINTH STREET, NW			ART UNIT	
SUITE 300			PAPER NUMBER	
WASHINGTON, DC 20001-5303			2635	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/771,297

Applicant(s)

BREDOW ET AL.

Examiner

Sisay Yacob

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1 The application of Bredow et al., "Luminescent push-button or switch" filed on February 05, 2004 has been examined.

Claims 1- 20 are pending

Claim Rejections - 35 USC § 102

2 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3 Claims 1-4, 7-9, 14-16 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent of Inobe et al., (4,882,581).

4 As to claim 1, Inobe et al., discloses a control element for a device (Item 13 of figure 4), the control element having a visible surface and comprising a luminescent substance covering at least part of the visible surface (Col. 1, lines 60-65; Col. 2, lines 53-67; Col. 4, lines 8-12).

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5 As to claim 2, the control element of claim 1, further, Inobe et al., discloses the control element is a push-button or switch (See figures 4 and 5).

6 As to claim 3, the control element of claim 1, further, Inobe et al., discloses a body of synthetic material containing the luminescent substance as an additive (Col. 2, lines 35-41, 59-60).

7 As to claim 4, the control element of claim 3, further, Inobe et al., discloses the synthetic material is a thermoplastic (Col. 2, lines 35-41).

8 As to claim 7, the control element of claim 1, further, Inobe et al., discloses a carrier element (Item 15 of figure 4) and a luminescent element containing the luminescent substance (Item 13 of figure 4) and at least partially covering the carrier element (Col. 2, lines 22-28).

9 As to claim 8, the control element of claim 7, further, Inobe et al., discloses the luminescent element and the carrier element are shaped to interfit with one another (See figure 4).

10 As to claim 9, the control element of claim 8, further, Inobe et al., discloses the luminescent element has a form of a lid (Item 13 of figure 4).

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11 As to claim 14, the control element of claim 7, further, Inobe et al., discloses the carrier element and luminescent element are joined to one another by adhesion (Col. 2, lines 35-41, 59-60).

12 As to claim 15, the control element of claim 14, further, Inobe et al., discloses the luminescent element and the carrier element are shaped to interfit with one another (See figure 4).

13 As to claim 16, the control element of claim 15, further, Inobe et al., discloses the luminescent element has a form of a lid (Item 13 of figure 4).

14 As to claim 20, an electric or electronic device comprising at least one control element according to claim 1 (Col. 1, lines 60-65; Col. 2, lines 53-67; Col. 4, lines 8-12).

Rejections - 35 USC § 103

15 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

16 Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inobe et al., in view of US patent of Rohne et al., (6,658,773).

17 As to claims 5 and 6, the control element of claims 3 and 4, however, Inobe et al., does not expressly disclose the luminescent substance being paint. In the same filed of endeavor, Rohne et al., discloses a control element for a device that has a luminescent substance in a form of paint (Col. 2, lines 19-22).

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the control element for a device of Inobe et al., by using the luminescent substance in from of paint, as taught by Rohne et al., in order to have the control element for a device that has a luminescent substance in a form of paint, because Inobe et al., discloses luminescent substance being thermoplastic and one skilled in the art would realize the luminescent substance may be in a form of thermoplastic, adhesive or paint.

18 Claims 10-13 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inobe et al., in view of US patent of Kenmochi (6,677,545).

19 As to claims 10, 12 and 17, the control element of claims 8, 9 and 16, however, Inobe et al., does not expressly disclose the luminescent element and the carrier element have corresponding contours and matching recesses for accurate positioning. In the same field of endeavor, Kenmochi discloses a control element for a device that has a luminescent element and the carrier element have corresponding contours and matching recesses for accurate positioning (Col. 7, lines 11-20; Items 1g, 2, 9, 10a and 13 of figure 12).

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the control element for a device of Inobe et al., by incorporating the luminescent element and the carrier element have corresponding contours and matching recesses, as it taught by Kenmochi, in order to have the luminescent element and the carrier element have corresponding contours and matching recesses for accurate positioning, because Kenmochi discloses the luminescent element and the carrier element have corresponding contours and matching recesses and suggest the method is useful for weight reduction.

20 As to claims 11, 13 and 18, the control element of claims 10, 12 and 17, further, Kenmochi discloses the contours are constituted by pegs (Items 9, 10a and 13 of figure 12).

21 As to claim 19, the control element of claim 1, further, Kenmochi discloses the control element has a visible surface provided with at least one symbol that is applied to the surface and covers or neutralizes the luminescent substance (Col. 5, lines 24-42).

Conclusion

22 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following cited arts are further to show the state of art related to luminescent push-button or switch.

In the US Patent (1,385,300) Bohrdt discloses illuminating device for switches.

In the US Patent (1,522,169) Young discloses a switch plate having a luminous indicating mark thereon, so that the buttons can be readily found at night time and having opaque backing therearound, so that the interior mechanism of the switch will not be exposed to view.

In the US Patent (2,032,540) Hondy et al., discloses illuminated faceplate for electric switches by applying luminescent paint.

In the US Patent (2,515,820) Clark discloses luminous display unit for use in indication the location of an article, which must be located in the dark.

In the US Patent (6,720,892) Lachor discloses an electronic keyboard, in particular one to be used in a dark environment and which therefore requires illumination of the keys.

23 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sisay Yacob whose telephone number is (571) 272-8562. The examiner can normally be reached on Monday through Friday 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sisay Yacob

2/21/2006

S.Y.

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

